

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:09CR27-1**

**UNITED STATES OF AMERICA  
v.  
BERNARD VON NOTHAUS**

**Objections to Proposed Jury  
Instructions.**

The defendant Bernard von NotHaus through counsel make the following objections to the proposed jury instructions.

1. POWER TO MINT COINTS – page 54. The proposed instruction inserts a word into the Constitution that creates a government of unlimited power, inconsistent with the literal language and spiritual intent of the Constitution. We propose either the removal of the word, “exclusively,” or removal of this instruction or an substitution of a reading of the specific Constitutional provision without addition or subtraction. See, NotHaus Motion to Dismiss and Supplement; UNITED STATES v. BOGART, 24 F.Cas. 1185, 9 Ben. 314, 24 Int.Rev.Rec. 46, No. 14,617 (D.C.N.Y. 1878).
2. COIN – page 57. The proposed instruction does not include a summary of the definition of coin found in 31 USC 5112, the definition we can say with certainty Congress was at some point in time familiar with and which reflects Congress’ understanding of the term. The parties should be allowed to argue this statutory definition to the jury.

This the 17<sup>th</sup> day of March,, 2011.

/s Aaron E. Michel  
Aaron E. Michel, Attorney at Law  
Counsel for Mr. von NotHaus  
Phone: 704-451-8351  
Email: [mail@aaronmichel.com](mailto:mail@aaronmichel.com)  
3736 Surry Ridge Court  
Charlotte, NC 28210

/s Randolph Marshall Lee  
Randolph Marshall Lee, Attorney at Law  
Counsel for Mr. von NotHaus  
Phone: 704-841-2222

Email: RandolphLeeLaw@gmail.com  
PO Box 77005  
Charlotte, NC 28271

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served this ? day of ?, 2010, by means of the Electronic Filing System for the Western District of North Carolina, upon the following parties:

For the Government:

**Jill Westmoreland Rose**

Assistant U.S. Attorney  
100 Otis Street, Room 233  
Asheville, NC 28801  
828-271-4661  
Fax: 828-271-4670  
Email: jill.rose@usdoj.gov

**Craig D. Randall**

Assistant U.S. Attorney  
227 W. Trade St., Suite 1700  
Charlotte, NC 28202  
704-344-6222  
Fax: 704-344-6629  
Email: craig.randall@usdoj.gov

**Thomas R Ascik**

Assistant U.S. Attorney  
100 Otis Street, Room 233  
Asheville, NC 28801  
828-259-0644  
Email: thomas.ascik@usdoj.gov

**Benjamin Bain-Creed**

Assistant U.S. Attorney  
100 Otis Street, Room 233  
Asheville, NC 28801  
828-271-4661  
Fax: 828-271-4670  
Email: Benjamin.bain-creed@usdoj.gov

For William Kevin Innes:

**Claire J. Rauscher**

Federal Defenders of Western North Carolina  
129 W. Trade Street, Suite 300  
Charlotte, NC 28202  
704-374-0720  
Fax: 704-374-0722  
Email: [Claire\\_Rauscher@fd.org](mailto:Claire_Rauscher@fd.org)

**Erin Kimberly Taylor**

Federal Defenders of Western North Carolina  
129 W. Trade Street, Suite 300  
Charlotte, NC 28202  
704-374-0720  
Fax: 704-374-0722  
Email: [Erin\\_Taylor@fd.org](mailto:Erin_Taylor@fd.org)

For Sarah Jane Bledsoe:

**Joe Von Kallist**

6743-A Fairview Road  
Charlotte, NC 28210  
704-366-9008  
Fax: 704-365-2109  
Email: [joevonkallist@yahoo.com](mailto:joevonkallist@yahoo.com)

For Rachelle L. Moseley:

**Matthew G. Pruden**

301 E. Park Avenue  
Charlotte, NC 28203  
704-338-1220  
Fax: 704-338-1312  
Email: [mpruden@tinfulton.com](mailto:mpruden@tinfulton.com)

This the ? day of ?, 2010.

/s Aaron E. Michel  
Aaron E. Michel, Attorney at Law